

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1 and 5 are pending in the application.

The Examiner rejected Claims 1 and 5 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0005382 to *Chen et al.* (hereinafter *Chen*) in view of U.S. Patent No. 4,908,828 to *Tikalsky* and further in view of U.S. Publication No. 2002/0099838 to *Sebastian*.

Please amend Claim 1 as shown herein. No new matter has been added.

In response to the rejection, Applicant respectfully disagrees. The Examiner alleged that skip determiner for splitting a data packet and determining whether to receive a retransmission data block or to skip a receiving operation of the retransmission data block, formerly recited in Claim 1, is disclosed in *Tikalsky*, and that *Sebastian* teaches that the transmission data is made by allocating the retransmission data block at a particular location in the transmission data, also formerly recited in Claim 1.

Tikalsky discloses determining whether to skip a received packet according to whether an error is present in or absent from the received packet, storing the received packet in a list if the packet has the error, and receiving the packet if the packet is retransmitted.

Sebastian discloses that once a node A transmits a plurality of packets to a node B and the node B transmits an ACK for a sequence number of the packet received from the node A and transmits a NACK for a sequence number of a packet that is not received from the node A, the node A retransmits the packet corresponding to the NACK to the node B and then transmits new packets.

Thus, *Tikalsky* discloses that a system periodically/repetitively broadcasts data without receiving report data indicating success or failure of packet transmission and a terminal receives the broadcast data to find out a packet included in a list and receive the packet, and *Sebastian* discloses that the node A retransmits a packet corresponding to a NACK received from the node B and then transmits new packets.

However, it is respectfully asserted that *Tikalsky* and *Sebastian* in combination with *Chen* fails to teach or even fairly suggest that each of the MSs determines whether a retransmission data block exists in the retransmission data block position of the main data block received from the core network and if the retransmission data block exists, determines whether to skip the retransmission data block, and receives the retransmission data block without or after skipping the retransmission data block, as recited *inter alia* in amended Claim 1.

For at least the foregoing reasons, it is respectfully submitted that the §103(a) rejection of Claims 1 and 5 is incorrect, and should be withdrawn. Withdrawal of the same is respectfully requested.

Independent Claim 1 is believed to be in condition for allowance. Without conceding the patentability per se of dependent Claim 5, this claim is likewise believed to be allowable by virtue of its dependence on amended independent Claim 1. Accordingly, reconsideration and withdrawal of the rejection of dependent Claim 5 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1 and 5, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written in a cursive style.

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